

**MINUTES
for the
FOURTH MEETING
of the
LAND GRANT COMMITTEE**

**September 18-19, 2013
Juan Bautista Baldes Land Grant**

The fourth meeting of the Land Grant Committee (LGC) was called to order at 10:12 a.m. by Representative Miguel P. Garcia, chair, on September 18, 2013 at the Juan Bautista Baldes Land Grant Community Center.

Present

Rep. Miguel P. Garcia, Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Sen. Richard C. Martinez
Sen. Gerald Ortiz y Pino
Rep. Debbie A. Rodella
Sen. Sander Rue (9/18)
Rep. Tomás E. Salazar

Absent

Sen. Jacob R. Candelaria, Vice Chair
Rep. David M. Gallegos
Rep. Jimmie C. Hall
Sen. Daniel A. Ivey-Soto

Advisory Members

Sen. Carlos R. Cisneros

Rep. Phillip M. Archuleta
Sen. Timothy M. Keller
Rep. Patricia A. Lundstrom
Rep. W. Ken Martinez
Rep. Christine Trujillo

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Alexandria Tapia, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Wednesday, September 18

Call to Order

Representative Garcia welcomed everyone to the Juan Bautista Baldes Land Grant and provided a brief background of the committee's work. Members of the committee were asked to introduce themselves, as were staff and members of the audience.

Welcoming Remarks and History: Juan Bautista Baldes Land Grant

Higinia Gallegos, president, Juan Bautista Baldes Land Grant, welcomed committee members and thanked them for visiting the land grant for the second time. Ms. Gallegos informed the committee that the land grant has a lot of concerns, principally the availability of water. The community has been struggling with low-quality drinking water as a result of an old well system. Ms. Gallegos informed the committee that the land grant has been working on the water issue for about seven years and even received a grant to purchase a new water tank. The community now has the water tank, but it lacks the funds to complete the project. She stressed that the next generation will be the most affected by the actions of the current land grant members. Ms. Gallegos introduced the current board members of the land grant and provided a preview of the tour scheduled for the second meeting day.

Fidel Martinez, a member of the Juan Bautista Baldes Land Grant, expressed the desire of the land grant to have a community center of their own, as the community center in which the LGC was meeting belongs to Rio Arriba County.

Lorenzo Valdez, a member of the Juan Bautista Baldes Land Grant, provided some history and geographic information about the land grant for the committee. Portions of the land grant, including the cemetery, the morada and the church, are located on private property. According to Mr. Valdez, the land grant members are working together to solve past difficulties so that they can move forward. He told the committee that the land grant received its patent in 1913, but currently, the U.S. Forest Service (USFS) has taken possession of 90 percent of the original grant, preventing the community from accessing the land.

Moises A. Morales, Jr., Rio Arriba County clerk, addressed the committee regarding disputes with the USFS and the federal Bureau of Land Management (BLM). Mr. Morales detailed many situations during which he believes the two federal entities have overreached their authority. The community has had problems harvesting timber and exercising grazing rights. Mr. Morales stressed that USFS officials are not deputized, yet they attempt to issue tickets and impose fines on what they deem to be infractions.

A member of the committee asked if the Juan Bautista Baldes Land Grant has political subdivision status, and land grant members clarified that the land grant is a political subdivision. The committee and land grant members discussed funding methods for small projects, including a cemetery expansion and a survey of the land grant.

Recognizing USFS liaison James Melonas, committee members addressed concerns about the limits of the authority of the USFS and interactions between the USFS and the land grant and surrounding communities. Many members of the audience were upset with the degree of authority that the USFS has been asserting in the area. A member of the committee explained that many people rely on wood harvesting for heating their homes and asked that Mr. Melonas relay this concern to USFS officials in an effort to reach an arrangement in the future.

Members of the committee discussed the community water system at length. Ms. Gallegos explained that one part of the community is not connected to the new system. The new water tank and pump have been installed, but the community still has to use the old system until the piping can be fully installed. The land grant lacks the funding to complete the project to make the new system fully operational. A member of the committee commented that the land grant must bring audits for the water association up to date before any funding requests can be made.

The committee discussed issues surrounding the land grant owning its own community center building and suggested that the land grant approach the county to see if the county would be willing to turn the community center over to the land grant, as other counties have done in a few instances. Mr. Valdez explained that the original intent of the community center was to provide services, and that intent exists. The current building was built by members of the community and is maintained by members with the support of the county through an appropriation from the legislature. Citing the transfer of land in Tome, a member of the committee urged the land grant to work with Rio Arriba County and the LGC to attain this goal, adding that Valencia County was able to issue a tax waiver on the common land.

Motion 1

Representative Rodella moved that the LGC send a letter to the New Mexico Association of Counties asking the association to make information available to county assessors regarding the discretion county assessors have to transfer land back to land grants and waive taxes on common lands. The motion was seconded by Senator Martinez and passed without objection. A committee member requested that a representative of the New Mexico Association of Counties be asked to attend the final meeting of the LGC in November to respond to the letter.

A member of the committee reminded the land grant representatives that it is imperative for them to have current audits. Until those audits are up to date, the Department of Finance Administration and the LGC cannot help them. Another committee member suggested that the land grant seek help from the Office of the State Auditor.

Federal Advisory Committee Update

Mr. Valdez, in his role as a representative of the Federal Advisory Committee (FAC) established by the Federal Advisory Committee Act, reviewed proposed changes to USFS regulations, updated the committee on the most current meetings of the FAC and furnished the LGC with a handout outlining FAC actions and goals. Mr. Valdez offered to provide a more in-depth presentation to the LGC in the future. A member of the committee requested that a

presentation to the LGC by Mr. Valdez be scheduled before the end of the interim.

The committee discussed some of the advantages and disadvantages of land grants becoming political subdivisions of the state and cited specific examples. The LGC cautioned that every land grant should consider these advantages and disadvantages before deciding on the course that is best for that particular land grant.

Tierra Amarilla Land Grant — Reorganization of the Land Grant

Arturo Archuleta, Land Grant Council, updated the committee on the progress of the reorganization of the Tierra Amarilla Land Grant since the August 2013 LGC meeting. The Land Grant Council has been working with heirs from the land grant in moving forward with reorganization. The Office of the State Auditor has an ongoing investigation into the recent issues with the Tierra Amarilla Land Grant. The Tierra Amarilla Land Grant has since held community meetings to inform members about the investigation and the recommendations the land grant has received from the council and the LGC. The process for the reorganization could include hiring an attorney, obtaining a district court order to nullify the previous land grant board and the legitimate election of a new board. The council has appointed Mr. Archuleta and David Benavides, New Mexico Legal Aid, to assist the Tierra Amarilla Land Grant with the reorganization and the election of a new board. Mr. Archuleta answered questions about the land grant support program and added that a grant from the program could help to pay for the legal assistance necessary during the reorganization.

Members of the Tierra Amarilla Land Grant — Steve Polaco, Belarmino Archuleta, Pedro Archuleta and Leonel Rodella — were present at the meeting and addressed the committee with examples of discrimination that they had faced. They voiced concerns about mineral and grazing rights. Mr. Polaco was particularly concerned over whether contracts entered into by the previous land grant board will still be valid with the formation of a new board. A member of the committee requested that the LGC obtain an opinion from the Office of the Attorney General regarding the matter. Mr. Carver explained that once the state auditor's investigation is complete, the issue can then be referred to the attorney general. Since people are starting to look at what happened with the Tierra Amarilla Land Grant, Mr. Carver believes it will be prudent to get some guidance on the matter.

A member of the committee asked when the next elections for the Tierra Amarilla Land Grant are scheduled. Arturo Archuleta explained that there had only been one election in 2006, and because it was the first election, it appeared that it was legitimate. By statute, the Tierra Amarilla Land Grant was due for an election in 2010. A meeting was held, but no official elections took place. A member of the committee suggested that it might be best to wait until 2014 to hold new elections, in accordance with state statute. Mr. Archuleta believes that there is still potential for some issues with that approach, but it is an option. In the meantime, work can still be done by the heirs to sort through some of the organizational issues, including the process of registering heirs, which can be done while the case is still in the courts.

A committee member commented on land grants' uniqueness to New Mexico and the importance for land grant communities to be familiar with one another. If the land grant communities are able to get organized as a whole, they are less likely to encounter unfortunate situations such as the one in the Tierra Amarilla Land Grant. The committee member stressed the need for land grants to have access to top-notch legal support and support from the University of New Mexico (UNM) School of Law.

Motion 2

Representative Rodella moved, and Representative Baldonado seconded, a motion that a letter to be sent to the Department of Game and Fish to encourage collaboration with the Land Grant Council regarding the clarification of traditional-use rights for land grant communities. The motion passed unanimously.

Abiquiu Land Grant New Board

Alfredo Garcia, president, Abiquiu Land Grant, introduced members of the recently elected board and provided the committee with a brief history of the land grant. The land grant is currently working with USFS surveyors and the newly appointed Boundary Committee to address boundary concerns and the lack of fences.

Joddie Valdez, Boundary Committee, Abiquiu Land Grant, was appointed to the Land Grant Consejo as a representative of the Merced del Pueblo Abiquiu. Mr. Valdez provided the LGC with a handout detailing the history of the Abiquiu Land Grant, along with historical maps. The maps illustrate the discrepancies between the original and current surveys.

A member of the committee asked Mr. Valdez to provide a concise, one-page document based on a current USFS map so that the LGC can more easily identify the points of contention. The committee suggested that David Lopez, chair, Boundary Committee, work quickly with Dr. Manuel Garcia y Griego, UNM Land Grant Studies Program, to compile a presentation for the final LGC meeting in November. Mr. Carver mentioned that Mr. Melonas is prepared to make a presentation on this issue at November's meeting.

Members of the committee, along with the presenters, discussed sovereignty issues and Abiquiu's pueblo origins. Mr. Valdez explained the history of what had occurred and why Abiquiu was not treated like other pueblos.

Motion 3

Upon a motion by Representative Rodella and seconded by Senator Martinez, the committee voted unanimously to approve the minutes of the August LGC meeting.

BLM Land Disposal Processes

Lisa Morrison, deputy chief, Office of Communications, BLM, and Debby Lucero, state realty lead, BLM, gave a presentation to the committee about the federal Recreation and Public Purposes Act. They provided the committee with a handout that detailed all of the options and

qualifications for the land disposal process. The act applies to all public land, except land within national forests, national parks and monuments, national wildlife refuges, Indian lands and acquired land. The amount of land an applicant can purchase is set by law. Ms. Morrison and Ms. Lucero outlined the entities eligible for the program; the different costs, depending on proposed use; terms and conditions; application requirements; and how interested parties should proceed.

A member of the committee opined that the federal government has not taken enough action to address the injustices committed against the land grants. The member mentioned the steps the State of New Mexico has taken to benefit the land grants: 1) land grants now have first right of refusal for any state-owned property that is put up for sale; and 2) land grants are permitted to match the highest bid of land sold at property tax-delinquent auctions. Ms. Morrison responded that she is unable to speak to the past but that the BLM is moving forward with the intention of helping the land grants with the land disposal process.

A committee member added that the creation of a liaison is a step in the right direction for improving relations between land grants and the BLM. The member noted that the process outlined by the presenters represents federal guidelines and asked if there is any way to amend the rules to apply to New Mexico's situation or to speak specifically to land grants. It was suggested that the presenters report back to the BLM director regarding revision of these rules to apply more specifically to land grants. Ms. Morrison agreed to report back but clarified that she has no decision-making authority. As liaison to the land grants, her role is to identify issues and relay them to the people with the proper authority to make decisions.

A committee member suggested that the BLM compile a list of properties up for disposal to distribute to the land grants and requested that representatives from the U.S. congressional offices brief the leadership in Washington, D.C., on this topic. The committee discussed specific tracts of land that will be included in the 2014 final plan by the BLM.

Motion 4

A motion was made by Representative Rodella that a letter be drafted to the state director of the BLM expressing that the LGC would appreciate preference to be given to the land grants for the purchase of properties being disposed of that are within the communal areas of land grants. The motion was seconded by Senator Martinez and passed without objection.

A member of the committee asked if there is any BLM land near the Juan Bautista Baldes Land Grant. Ms. Gallegos confirmed that there is a baseball field that the community is no longer allowed to use. Ms. Gallegos also noted issues with hunters on BLM land. Ms. Morrison offered to set up a meeting with the Juan Bautista Baldes Land Grant and the BLM field manager for the area.

Felipe Martinez, county commissioner, Rio Arriba County, addressed the committee regarding special use permits from the county for public works, such as schools and community

cemeteries. Mr. Martinez suggested that requests for community projects need to be put on a fast track so that land grant communities are not prevented from expanding. Lack of room for expansion in areas such as Cordova have forced communities to build on farm land, resulting in the loss of irrigated land. A member of the committee stated that it is important for the BLM to understand the needs of local communities.

Ms. Lucero reiterated that it is important for land grants to get involved in the resource management plan when it is being revised and updated. Ms. Morrison suggested that land grants call the field managers about these meetings and get involved during the early stages. A member of the committee requested that land grants be contacted about these meetings so that land grant communities can be included in the conversation.

History of Tierra Amarilla Land Grant Expropriation

The presentation by UNM Professor David Correia was canceled.

Public Comment

Virgil Trujillo, member of the Juan Bautista Baldes Land Grant, addressed the committee with some of his concerns.

1. Watersheds located behind the land grant have been mismanaged by the federal government, preventing irrigation in Abiquiu for the past two months. This issue is fallout from the recent forest fires and flooding in the area.
2. There is a need to quitclaim mineral rights back to the land grants. This would help spur economic growth within the land grants.
3. There is a desire for multiple-use status on the Valles Caldera National Preserve, noting that the USFS has not been friendly to agriculture in the area.

Several members of the Juan Bautista Baldes Land Grant requested support in finishing the water system project discussed earlier. Land grant members described issues with foul-smelling water, low pressure and water that occasionally cuts off completely.

Motion 5

Arturo Archuleta talked to the Juan Bautista Baldes Land Grant members about their infrastructure capital improvement plans and some potential problems with a mutual domestic water system. Representative Rodella moved that a letter to be sent on behalf of the LGC to the New Mexico Department of Environment (NMED) to clarify this issue. Mr. Archuleta and Mr. Carver will draft the letter and will include a request that the NMED send representatives to future LGC meetings. The motion was seconded by Senator Ortiz y Pino and passed unanimously.

Jake Arnold, public affairs officer, Rio Arriba County Sheriff's Office, suggested a

criminal investigation into the money in the Tierra Amarilla Land Grant case. The committee discussed the issue, and a member asked about referring the case to the Taxation and Revenue Department (TRD). Mr. Archuleta suggested having a representative from the TRD address the committee at a future LGC meeting.

Recess

The committee recessed at 5:45 p.m.

Thursday, September 19

Tour of the Juan Bautista Baldes Land Grant

The committee reconvened at 9:30 a.m. for a tour of the Juan Bautista Baldes Land Grant. The tour included a visit to the local church, the morada and the Monastery of the Holy Archangel Michael. Members of the committee also saw the new water tank, and the areas of the community where new water lines need to be installed were pointed out by members of the Juan Bautista Baldes Land Grant.

Adjourn

There being no further business before the committee, the fourth meeting of the LGC adjourned at 12:30 p.m.